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November 13, 1997

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
NOV 17 2 15 PM '97

VIA EXPRESS MAIL

Nancy E. Bell, Esq.
General Counsel
Federal Election Commission
999 E. Street NW
Washington, D. C. 20463

Re: MUR 4594/Longevity International Enterprises Corp.

Dear Ms. Bell:

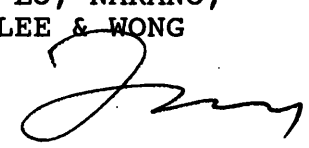
With respect to the subpoena served on Maybelle Pang, enclosed are original and three copies of Motion to Quash Subpoena.

We are submitting this motion pursuant to 11 C.F.R. §111.15.

Very truly yours,

DEVENS, LO, NAKANO,
SAITO, LEE & WONG

By



Thomas J. Wong

TJW:hh

Enclosures

cc: Longevity International
Enterprises Corp.
Maybelle Pang

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BEFORE THE
FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
NOV 17 2 16 PM '97

In the Matter of)
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MUR 4594
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LONGEVITY INTERNATIONAL
ENTERPRISES CORP.
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MOTION TO QUASH SUBPOENAS ISSUED TO MAYBELLE PANG

COMES NOW, MAYBELLE PANG ("Pang"), by and through her attorneys, DEVENS, LO, NAKANO, SAITO, LEE & WONG, and hereby moves to quash the subpoena issued to Pang. Said subpoena was received by Pang on November 7, 1997.

This motion is made pursuant to 11 C.F.R. § 111.15 of the Code of the Federal Register and 2 U.S.C. 437d of the United States Code.

I. BACKGROUND

This matter is an investigation instituted by the Federal Election Commission ("FEC") over matters relating to a lease that Longevity entered into with Frank Fasi.

After the documents were produced, the FEC has now issued a subpoena to Pang, an employee of Longevity.

[Certificate of Service Attached]

II. ARGUMENT

A. The Subpoena To Pang Requesting Additional Information Must Be Quashed.

1. There is no showing that the information is relevant to this investigation.

In order to obtain documents and information, the standard is that "the inquiry is within the authority of the agency, the demand is not too indefinite, and the information sought is reasonably relevant." United States v. Morton Salt, 338 U.S. 632, 70 S.Ct. 357, 94 L.Ed. 401 (1950). Furthermore, there must be some showing that the agency itself has subject matter jurisdiction. Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C. Cir. 1980).

In this case, it is respondent's position that the interrogatories requested are not relevant to the investigation at hand.

For example, the questions posed to Pang request if she was an employee of China Airlines and if she was "seconded" to Longevity. There is no showing of what relationship Pang has to this matter in that the FEC has not shown if Pang's position was in a managerial position where she was in a position to "control" Longevity. Second, assuming that the answers to these questions are affirmative, there is no showing of what relevancy this has to the lease that was entered into with Frank Fasi. What difference does it make if Pang was "seconded" from China

Airlines to Longevity with respect to the lease entered into with Frank Fasi.

Also, the terminology of "seconded" is vague and ambiguous. The FEC attempts to define this as to mean "promote, to aid, to assist, to encourage, to re-enforce, to place, to transfer temporarily." Such a definition is somewhat ridiculous. So, for example, if Pang booked a trip on China Airlines, was that "promoting" China Airlines? Also, again, even assuming Pang was "seconded," what relevancy would this information have with respect to a lease entered into between Longevity and Frank Fasi? There is no relevancy and therefore, the questions must be quashed.

2. The statute of limitations of this inquiry has run and therefore, such further requests are barred.

The applicable statute of limitations bars untimely claims arising more than five years before the FEC brings an action for civil penalty. FEC v. Williams, 104 F.3d 237 (9th Cir. 1996). As stated, the alleged violation in this matter is over a 16-year old lease agreement. These additional questions also show that what is being requested is for information over 15 years old. Therefore, since these claims are barred by the statute of limitations, any further inquiry must be barred.

3. The requests are, in addition to being irrelevant and annoying, oppressive and unduly burdensome.

The FEC is requesting documents from 1981 through 1996, which is a span of a 15-year period, without showing the

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relevancy of this time frame. Furthermore, such a request for documents, if such documents exist, requires Pang to spend a tremendous amount of time to locate documents which are totally irrelevant to this investigation. Such a request is an annoyance, oppressive and places an undue burden and expense on Pang.

In Isacc v. Shell Oil Co., 83 FRD 428 (D.C. Mich. 1979), where the plaintiff had not shown a reasonable ground to support its allegations of liability and where the discovery costs faced by the defendant were substantial, justice required that a protective order be issued.

In the case at bar, as stated, this matter involves a claim that may be barred by the statute of limitations and requires Pang, who is not a party to this action, to devote its resources and manpower to research records going back over 16 years, which is totally unreasonable. Furthermore, even assuming such records can be located, the FEC apparently expects these records to be produced without compensation for the time, copying costs and mailing that may be involved in producing such records. Clearly, this is totally unfair to Pang.

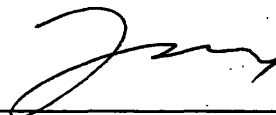
For these reasons, such a request must be quashed.

III. CONCLUSION

For the foregoing reasons, Pang respectfully requests that the motion to quash subpoena be granted and the subpoena issued

in this matter, being unduly burdensome and not relevant to any of the issues at hand, be also quashed.

DATED: Honolulu, Hawaii, NOV 13 1997.



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Counsel for Maybelle
Pang


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CERTIFICATE OF SERVICE

I hereby certify that on NOV 13 1997, a copy
of the foregoing document was duly served on the following party
by U. S. mail, postage prepaid:

General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

DATED: Honolulu, Hawaii, NOV 13 1997.



THOMAS J. WONG
Attorney for Maybelle Pang

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